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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

MAT-8897US

Application Number

10/594,161

Filed

September 26, 2006

First Named Inventor

Tomohiro MURAKOSO

Art Unit

2889

Examiner

Elmito Breal

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

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assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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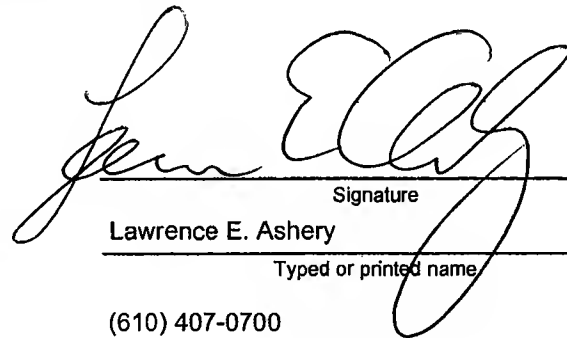
attorney or agent of record.

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



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February 7, 2012

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ forms are submitted.

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Overview of Argument

Claims 10-12 stand rejected as unpatentable over Uchida in view of Nunomura and Kim. Appellants submit that this rejection should be withdrawn for the following reasons.

Claims 10 and 11 include barrier ribs and electrodes having wide end portions. The width of the end portions is not more than half of the spacing between adjacent barrier ribs. The Examiner asserts that this feature is obvious based on a drawing from Nunomura. However, the Examiner is incorrect for two reasons. First, the drawings of Nunomura show an electrode portion having a width that is more than half of the spacing between adjacent barrier electrodes. Second, regardless of the measurements of the figures themselves, the drawings of Nunomura are not indicated as being drawn to scale.

Nunomura provides no reason to form an electrode having the width recited in claims 10 and 11. In particular, Nunomura does not recognize that the ratio of an electrode's end portion width to the spacing of adjacent barrier ribs is important. As such, Appellants submit that the ratio recited in claim 10 is not obvious in view of Nunomura.

Accordingly, Appellants respectfully submit that these claims are allowable over the cited art. Appellants' detailed arguments in support of reversing the rejection are set forth below.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3 and 10-12 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Uchida (JP 2003-308783) in view of Nunomura (US 6,479,932) and Kim (US 2005/0067964). Claim 1 has been incorporated into claim 10 and claims 1 and 3 have been cancelled. Thus, there are no "new issues" raised by the amendment and the application is now in better condition for Appeal. Accordingly, the rejection of claims 1 and 3 is rendered moot by the most recent amendment. The only remaining rejection is of claims 10-12. Appellants respectfully request that the rejection of claims 10-12 be withdrawn for the following reasons.

Appellants' invention, as recited by claim 10, includes features which are not disclosed, taught, or suggested by the applied references, namely:

...plural data electrodes...including a middle portion having a first constant width [and] opposite end portions having a second constant width...and...

...a plurality of barrier ribs...

...wherein...the second constant width is not more than a half of a spacing between the adjacent two of the barrier ribs...

The data electrodes have a middle portion with a first constant width and opposite end portions having a second constant width. The second constant width is not more than half of the spacing between adjacent barrier ribs. This feature is found in the originally filed application at page 16, lines 17-18.

The Office Action acknowledges that "Uchida...teaches all the claimed limitations except for the second constant width is not more than a half of a spacing between adjacent two barrier ribs." See the Office Action at page 5. Appellants agree, and respectfully submit that Nunomura fails to make up for the deficiencies of Uchida with respect to claim 10.

Nunomura is directed to a plasma display panel. As illustrated in FIG. 21, Nunomura discloses a plasma display panel having data electrodes 16. Data

electrodes 16 have wide portions 33 and narrow portions 34. See Nunomura at column 13, lines 10-29, and FIG. 21.

The Office Action asserts that "as can be seen (in at least fig. 16 of [Nunomura]) the second constant width 33 appears to be about half of the distance between adjacent barrier ribs." See Office Action at page 5. Appellants disagree for two reasons.

First, FIG. 16 of Nunomura illustrates that wide portions 33 have a width that is more than half of the spacing between adjacent barrier ribs. Thus, the actual drawing referred to in Nunomura does not disclose the feature of claim 10.

Second, regardless of the measurements of the figures themselves, Nunomura fails to disclose, teach, or suggest that its figures are drawn to scale. "When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value." See M.P.E.P. § 2125. Because Nunomura is silent as to the dimensions of wide portions 33 relative to the spacing between barrier ribs, Appellants submit that the Office Action's arguments based on the figures of Nunomura cannot be used to reject the claims.

The Office Action goes on to assert that "[i]t would have been obvious...to form the second constant width not more than a half of the spacing between adjacent two barrier ribs through routine experimentation and optimization, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art." See Office Action at page 5. Appellants disagree.

"A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation." See M.P.E.P. § 2144.05. Nunomura fails to recognize that the ratio of an electrode's end portion width to the spacing of adjacent barrier ribs is a variable which achieves a recognized result (i.e. a result-effective variable). Thus, Appellants submit that one of ordinary skill in the art would have no reason to optimize this

variable based on the teachings of Nunomura. As such, Appellants submit that the ratio recited in claim 10 is not obvious in view of Nunomura.

Appellants respectfully submit that Kim fails to make up for the deficiencies of Uchida and Nunomura with respect to claim 10. Like Uchida and Nunomura, Kim provides no teaching regarding the width of end portions of an electrode relative to the spacing between adjacent barrier ribs.

For the above reasons, Appellants respectfully submit that Uchida in view of Nunomura and Kim fails to disclose, teach, or suggest the features of "plural data electrodes...including...opposite end portions having a second constant width...and...a plurality of barrier ribs...wherein...the second constant width is not more than a half of a spacing between the adjacent two of the barrier ribs," as recited in claim 10.

Accordingly, for the reasons set forth above, claim 10 is allowable over the applied references. Withdrawal of the rejection and allowance of claim 10 is respectfully requested.

Claim 11, while not identical to claim 10, includes the allowable features discussed above with respect to claim 10. Accordingly, claim 11 is allowable over the applied references for at least the reasons set forth above with respect to claim 10. Withdrawal of the rejection and allowance of claim 11 is respectfully requested.

Claim 12 includes all of the features of claim 11, from which it depends. Accordingly, claim 12 is allowable over the applied references for at least the reasons set forth above with respect to claim 11. Withdrawal of the rejection and allowance of claim 12 is respectfully requested.